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INTERNATIONAL PUBLICATION AND PCT GAZETTE IN ELECTRONIC FORM

Document prepared by the International Bureau

SUMMARY

1. The proposals contained in this document are designed to implement publication in electronic form of international applications and of the PCT Gazette. The proposals, which involve amendment of the PCT Regulations¹, are complementary to modifications of the Administrative Instructions that were promulgated with effect from April 1, 2005. The main change would be that the legally determinative means of publication of international applications and the Gazette would be publication in electronic form rather than on paper as at present. Amendments of the Regulations are proposed and practical aspects of the new approach are explained.

¹ References in this document to "Articles" and "Rules" are to those of the Patent Cooperation Treaty (PCT) and the Regulations under the PCT ("the Regulations"), or to such provisions as proposed to be amended or added, as the case may be.

PUBLICATION OF THE PCT GAZETTE IN ELECTRONIC FORM

Background

2. Pursuant to Article 55(4) and Rule 86.1(a), the International Bureau is required to publish a Gazette which shall contain:

(i) for each published international application, the bibliographic data, the drawing (if any) appearing on the front page of the pamphlet and the abstract;

(ii) the schedule of fees payable to Offices and Authorities;

(iii) notices the publication of which is required under the Treaty or the Regulations;

(iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned;

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or the Regulations.

3. At present, the International Bureau fulfills its legal obligation under Article 55(4) to publish a Gazette by way of publication in two different forms: as a Gazette in *paper form* and as a Gazette in *electronic form* (see Rule 86.1(b)).

Gazette in Paper Form

4. The *Gazette in paper form* (hereinafter referred to as “the paper Gazette”) is published by the International Bureau on a weekly basis. Each issue contains the content prescribed by Rule 86.1(b)(i)—that is, the bibliographic data in respect of each international application published that week as referred to in paragraph 2(i), above, but without the drawing or abstract, as well as the matters referred to in paragraph 2(ii) to (v), above. The paper Gazette is presented in four Sections as follows:

(i) Section I contains the bibliographic data in respect of each international application published in the week covered by the Gazette;

(ii) Section II contains notices and information relating to published international applications (such as announcements of the later publication of amended claims under Article 19; and announcements of later publication of international search reports);

(iii) Section III contains weekly indexes of international application numbers and corresponding international publication numbers, of names of applicants and corresponding international publication numbers, and of international publication numbers grouped according to International Patent Classification symbols;

(iv) Section IV contains notices and information of a general character (such as notices the publication of which is required under the Treaty or the Regulations, information on Contracting States and intergovernmental organizations, and fees payable).

5. At present, the paper Gazette is mailed, on a weekly basis, to about 180 subscribers. These include International Searching and Preliminary Examining Authorities and national and regional Offices who, under Rule 87, are entitled to receive one or more copies of the Gazette free of charge, as well as about 150 paying subscribers, including a variety of public and private sector entities and individuals, with a broad geographical distribution.

6. Over the last four years, the number of paid subscriptions to the paper Gazette has significantly declined, as illustrated in Figure 1 appearing in Annex II to this document. The income generated by subscriptions to the paper Gazette has, since at least 2001, failed to cover the cost to WIPO of producing it, as illustrated in Table 1 appearing in Annex II to this document.

Gazette in Electronic Form

7. The *Gazette in electronic form* (hereinafter referred to as “the electronic Gazette”) is made available through the Internet via WIPO’s website.² The electronic Gazette contains not only the content prescribed by Rule 86.1(b)(ii) (that is, bibliographic data, drawing and abstract in respect of each international application published in the week covered by the Gazette) but, in effect, functions as a searchable Intellectual Property Digital Library (IPDL), containing data relating to international applications published, in the form of pamphlets, since January 1997. Bibliographic data, abstracts, drawings and images of pamphlets are provided in the IPDL for all published international applications. In addition, for international applications published since April 1998, the description and claims are also provided as searchable text.

8. Concurrent with the decrease in subscriptions to the paper Gazette, interest in the electronic Gazette has greatly increased, as illustrated in Figure 2 appearing in Annex II to this document.

Other Gazette-Related Electronic Products

9. An electronic version (in PDF format) of the paper Gazette is available, free of charge, via WIPO’s website for browsing, downloading and selective printing.

10. In addition, a private sector publisher produces, in close cooperation with WIPO, a CD-ROM version of the Gazette in PDF format which contains the same data as published in the electronic Gazette as well as elements from the paper Gazette (Sections II, III and IV, as referred to in paragraph 4, above). The CD-ROM version, which is published weekly with cumulative contents (including all previous issues during the same calendar year), is available by way of annual subscription. Although the CD-ROM is not an official WIPO product, the International Bureau purchases subscriptions to the CD-ROMs from the publisher and distributes them to over 40 national and regional Offices of PCT Contracting States free of charge.

² See <http://www.wipo.int/pct/en/gazette/index.jsp>

Proposed Amendment of Rule 86

11. Noting that:

(i) today, electronic means of publication (Internet and physical media such as CD-R and DVD) are increasingly being used by patent Offices to fulfill their legal obligation to publish applications and official notifications;

(ii) there has been a significant decrease in subscriptions to the paper Gazette in the last years and a concurrent increase in hits to the electronic Gazette;

(iii) as the paper Gazette is not text searchable, its usefulness for users (Offices and others) is therefore limited; and

(iv) the income generated by subscriptions to the paper Gazette has not covered WIPO's cost of production in recent years;

it is proposed to amend the Regulations to enable the International Bureau to fulfill its legal obligation to publish a Gazette by way of publication in electronic form. A proposal to amend Rule 86 accordingly, and to move to the Administrative Instructions matters of detail concerning the form in which and the means by which the Gazette is published, is contained in Annex I to this document. The format and content of the proposed new version of the electronic Gazette are outlined in paragraphs 13 to 15, below.

12. If an Office or Authority preferred to receive the electronic Gazette on a physical medium rather than online via WIPO's website, the International Bureau would, aside from its legal obligation under Article 55(4) to publish a Gazette, continue to provide, under Rule 87 as proposed to be amended, a copy of the electronic Gazette on CD-ROM, free of charge, to that Office or Authority.

Format and Content of the Proposed Electronic Gazette

13. The electronic Gazette, in its current version, does not have an identical content to the paper Gazette. As explained in paragraph 7, above, the electronic Gazette contains the bibliographic data, drawing and abstract for each application (the elements required according to Rule 86.1(b)(ii)) but it does not contain the information published in Sections II to IV of the paper Gazette (the elements referred to in Rule 86.1(a)(ii) to (v); those elements are provided only "unofficially" in the PDF version of the *Gazette in paper form*, see paragraph 9, above). It is therefore proposed to revise the electronic Gazette so as to include all of the data and information referred to in Rule 86.1(a)(ii) to (v). The proposed approach on how that data and information will be made available to users is described in the following paragraphs.

14. Apart from notices and information of general character published in Section IV, the Gazette is essentially a series of indexes that are intended to facilitate the retrieval of PCT data. Because of the different nature of data and information contained in the Gazette, it is felt advisable to publish application data (e.g., data referred to in Sections I, II and III) differently from notices and information of a general character (as contained in Section IV).

15. Sections I, II and III would be made available through a searchable database that will be a revamped version of the current electronic Gazette. The indexes contained in Sections I and III are already available in the electronic Gazette and would only be subject to minor changes intended to make them more usable, such as the ability to generate lists ordered in the same way as Sections I and III of the current paper Gazette. The notices contained in Section II are partially available in the electronic Gazette, and this information would be completed and made searchable. Further technical details will be provided as further developments are made on this issue.

16. Notices and information of general character published in Section IV would also be made available in electronic form. Weekly updates would be published (as at present in the paper Gazette) and the collection of information published in Section IV would become searchable from within the electronic Gazette. Further technical details on the technical format of Section IV information and on the availability of historical information will be provided as further developments are made.

17. As at present, versions of the electronic Gazette in both English and French would be published at the same time (see present Rule 86.2(c) which, except for drafting changes, is not proposed to be amended).

18. Further details concerning the electronic Gazette will be provided to Offices and users of the system in the context of the consultations under Rule 89.2(b) of proposed modifications of the Administrative Instructions implementing Rule 86.1 as proposed to be amended.

PUBLICATION OF INTERNATIONAL APPLICATIONS IN ELECTRONIC FORM

19. Following consultations pursuant to Rule 89.2(b) with Offices, Authorities and users of the PCT system, Section 406 of the Administrative Instructions has been modified, with effect from April 1, 2005, so as to enable the International Bureau to fulfill its legal obligation under Article 21 to publish international applications by way of publication in electronic form. The wording of a number of provisions in the Regulations that were drafted in the context of paper publication systems needs to be adapted to the new electronic environment.

20. Proposals to amend Rules 13*bis*.4, 26*bis*.2, 47.1, 48.1, 48.2, 86.1(a), 87 and 91.1 accordingly are contained in Annex I to this document. Explanations are set out in Annex I in comments relating to the provisions concerned. In particular, it is proposed to delete the term "pamphlet" throughout the Regulations, noting that the term "pamphlet", connoting paper publication, would appear to be misleading.

21. The Working Group is invited to consider the proposals contained in Annex I to this document.

[Annex I follows]

ANNEX I

PROPOSED AMENDMENTS OF THE PCT REGULATIONS:³

INTERNATIONAL PUBLICATION AND PCT GAZETTE IN ELECTRONIC FORM

TABLE OF CONTENTS

Rule 13bis	Inventions Relating to Biological Material	2
13bis.1 to 13bis.3	[No change]	2
13bis.4	<i>References: Time Limit for Furnishing Indications</i>	2
13bis.5 to 13bis.7	[No change]	2
Rule 26bis	Correction or Addition of Priority Claim	3
26bis.1	[No change]	3
26bis.2	<i>Invitation to Correct Defects in Priority Claims</i>	3
Rule 47	Communication to Designated Offices.....	4
47.1	<i>Procedure</i>	4
47.2 to 47.4	[No change]	4
Rule 48	International Publication.....	5
48.1	<i>Form and Means</i>	5
48.2	<i>Contents</i>	5
48.3 to 48.6	[No change]	10
Rule 86	The Gazette	11
86.1	<i>Contents and Form</i>	11
86.2	<i>Languages; <u>Form and Means of Publication</u> Access to the Gazette</i>	13
86.3	[No change] <i>Frequency</i>	14
86.4	[No change] <i>Sale</i>	14
86.5	[No change] <i>Title</i>	14
86.6	[No change] <i>Further Details</i>	15
Rule 87	<u>Communication</u> Copies of Publications	16
87.1	<u>Communication of Publications on Request</u> International Searching and Preliminary Examining Authorities	16
87.2	[Deleted] National Offices	17
Rule 91	Obvious Errors in Documents.....	18
91.1	<i>Rectification</i>	18

³ Proposed additions and deletions are indicated, respectively, by underlining and striking through the text concerned. Certain provisions that are not proposed to be amended may be included for ease of reference.

Rule 13bis

Inventions Relating to Biological Material

13bis.1 to 13bis.3 [No change]

13bis.4 References: Time Limit for Furnishing Indications

(a) to (c) [No change]

(d) The International Bureau shall notify the applicant of the date on which it received any indication furnished under paragraph (a), and:

(i) if the indication was received before the technical preparations for international publication have been completed, publish the indication furnished under paragraph (a), and an indication of the date of receipt, together with the international application indicate that date, ~~and include the relevant data from the indication, in the pamphlet published under Rule 48;~~

[COMMENT: It is proposed to amend item (i) so as to further streamline the publication process by requiring the International Bureau to publish the indications furnished by the applicant under paragraph (a) rather than, as at present, “the relevant data from the indication”. Otherwise, the proposed amendments are consequential on the proposed deletion of the term “pamphlet” throughout the Regulations (see Rule 48 as proposed to be amended, below).]

(ii) [No change]

13bis.5 to 13bis.7 [No change]

Rule 26bis

Correction or Addition of Priority Claim

26bis.1 [No change]

26bis.2 *Invitation to Correct Defects in Priority Claims*

(a) and (b) [No change]

(c) Where the receiving Office or the International Bureau has made a declaration under paragraph (b), the International Bureau shall, upon request made by the applicant and received by the International Bureau prior to the completion of the technical preparations for international publication, and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish, together with the international application, information concerning the priority claim which was considered not to have been made. A copy of that request shall be included in the communication under Article 20 ~~where a copy of the pamphlet is not used for that communication or~~ where the international application is not published by virtue of Article 64(3).

[COMMENT: The proposed amendments of Rule 26bis.2(c) are consequential on the proposed deletion of the term “pamphlet” throughout the Regulations and the deletion of (former) Rule 47.2(c) with effect from January 1, 2004. Rule 47.2(c) as in force until December 31, 2003, read: “Except to the extent that any designated Office notifies the International Bureau otherwise, copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20.” Note that it is also proposed in another document to amend Rule 26bis in the context of “rectification of obvious mistakes” (see document PCT/R/WG/7/6).]

Rule 47

Communication to Designated Offices

47.1 Procedure

(a) and (a-*bis*) [No change]

~~(a-*ter*) [Deleted] The notification under paragraph (a-*bis*) shall include any declaration referred to in Rule 4.17(i) to (iv), and any correction thereof under Rule 26ter.1, which was received by the International Bureau before the expiration of the time limit under Rule 26ter.1, provided that the designated Office has informed the International Bureau that the applicable national law requires the furnishing of documents or evidence relating to the matter to which the declaration relates.~~

[COMMENT: It is proposed to delete paragraph (a-*ter*) so as to no longer provide for a separate transmittal to particular designated Offices of declarations referred to in Rule 4.17(i) to (iv) but instead to publish any such declaration together with the international application, as is already the case in respect of a declaration referred to in Rule 4.17(v) (see Rule 48.2(a)(x) as proposed to be amended, below), thereby further streamlining the publication and communication procedures at the International Bureau.]

(b) to (e) [No change]

47.2 to 47.4 [No change]

[COMMENT: Note that it is also proposed in another document to amend Rule 47 in the context of “international publication in multiple languages” (see document PCT/R/WG/7/4).]

Rule 48

International Publication

48.1 *Form and Means*

(a) ~~[Deleted]~~ The international application shall be published in the form of a pamphlet.

(b) The particulars regarding the form in which and the means by which international applications are published ~~of the pamphlet and the method of reproduction~~ shall be governed by the Administrative Instructions.

[COMMENT: See paragraph 19 in the Introduction to this document. Modified Section 406 of the Administrative Instructions, which entered into force on April 1, 2005, enables the International Bureau to fulfill its legal obligation under Article 21 to publish international applications by way of electronic means. It is thus proposed to delete the term “pamphlet” throughout the Regulations, noting that that term, connoting paper publication, would appear to be misleading.]

48.2 *Contents*

(a) The publication of the international application ~~The pamphlet~~ shall contain:

[COMMENT: The proposed amendments of the chapeau of paragraph (a) are consequential on the proposed deletion of the term “pamphlet” throughout the Regulations.]

(i) a standardized front page;

[Rule 48.2(a), continued]

- (ii) the description;
- (iii) the claims;
- (iv) the drawings, if any;
- (v) subject to paragraph (g), the international search report or the declaration under Article 17(2)(a); ~~the publication of the international search report in the pamphlet shall, however, not be required to include the part of the international search report which contains only matter referred to in Rule 43 already appearing on the front page of the pamphlet,~~

[COMMENT: At present, the International Bureau always publishes the international search report without the front page of that report, noting that that part of the report contains only matter which already appears on the front page of the pamphlet. In order to further streamline the publication process at the International Bureau, it is proposed to always publish the international search report as established by the International Searching Authority, including the front page, and to amend item (v) accordingly.]

- (vi) any statement filed under Article 19(1), unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4;
- (vii) any request for rectification referred to in the third sentence of Rule 91.1(f);

[Rule 48.2(a), continued]

(viii) the relevant data from any indications in relation to deposited biological material furnished under Rule 13*bis* separately from the description, together with an indication of the date on which the International Bureau received such indications;

(ix) any information concerning a priority claim considered not to have been made under Rule 26*bis*.2(b), the publication of which is requested under Rule 26*bis*.2(c);

(x) any declaration referred to in Rule 4.17 ~~Rule 4.17(v)~~, and any correction thereof under Rule 26*ter*.1, which was received by the International Bureau before the expiration of the time limit under Rule 26*ter*.1.

[COMMENT: The proposed amendments of item (viii) are consequential on the proposed amendments of Rule 13*bis*.4 (see the comment on that Rule, above). With regard to item (x), it is proposed to amend that item so as to no longer publish, together with the international application, only a declaration referred to in Rule 4.17(v) but any declaration referred to in Rule 4.17; in this context, see also Rule 47.1(a-*ter*), above, which is proposed to be deleted. The other proposed amendments of Rule 48.2 are consequential on the proposed deletion, throughout the Regulations, of the term “pamphlet”.]

(b) Subject to paragraph (c), the front page shall include:

(i) data taken from the request sheet and such other data as are prescribed by the Administrative Instructions;

[Rule 48.2(b), continued]

(ii) a figure or figures where the international application contains drawings, unless Rule 8.2(b) applies;

(iii) the abstract; if the abstract is both in English and in another language, the English text shall appear first;

(iv) an indication that the request contains any declaration referred to in Rule 4.17 which was received by the International Bureau before the expiration of the time limit under Rule 26~~ter~~.1.

(c) to (e) [No change]

(f) If the claims have been amended under Article 19, the publication of the international application shall contain ~~either~~ the full text of the claims both as filed and as amended ~~or the full text of the claims as filed and specify the amendments~~. Any statement referred to in Article 19(1) shall be included as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4. The date of receipt of the amended claims by the International Bureau shall be indicated.

[COMMENT: It is proposed to amend paragraph (f) so as further streamline the publication process and to align it with the existing practice of the International Bureau to always publish, if the claims have been amended under Article 19, the full text of the claims both as filed and as amended, rather than just the claims as filed and a “specification” of the amendments established by the International Bureau.]

[Rule 48.2(g), continued]

(g) If, at the time of the completion of the technical preparations for international publication, the international search report is not yet available ~~(for example, because of publication on the request of the applicant as provided in Articles 21(2)(b) and 64(3)(e)(i)),~~ the front page pamphlet shall contain, ~~in place of the international search report,~~ an indication to the effect that that report was not available and that ~~either the pamphlet (then also including the international search report) will be republished or the international search report (when it becomes available) will be separately published~~ together with a revised front page.

[COMMENT: It is proposed to amend paragraph (g) so as to further streamline the publication process and to align it with the existing practice of the International Bureau to always separately publish the international search report together with a revised front page rather than the entire pamphlet including the international search report where the search report was not available at the time of completion of technical preparations for international publication.]

(h) If, at the time of the completion of the technical preparations for international publication, the time limit for amending the claims under Article 19 has not expired, the front page pamphlet shall refer to that fact and indicate that, should the claims be amended under Article 19, then, promptly after receipt by the International Bureau of such amendments within the time limit under Rule 46.1, the full text of the claims as amended ~~either the pamphlet (containing the claims as amended) will be republished or a statement reflecting all the amendments will be published~~ together with a revised front page. ~~If In the latter case, at least the front page and the claims shall be republished and, if a statement under Article 19(1) has been filed, that statement shall be published as well, unless the International Bureau finds that the statement does not comply with the provisions of Rule 46.4.~~

[Rule 48.2(h), continued]

[COMMENT: It is proposed to amend paragraph (h) so as further streamline the publication process and to enable the International Bureau to publish, if the claims have been amended under Article 19 after completion of technical preparations for international publication but within the time limit under Rule 46.1, the full text of the claims as amended, together with a revised front page, rather than the entire pamphlet containing the claims as amended.]

~~(i) [Deleted] The Administrative Instructions shall determine the cases in which the various alternatives referred to in paragraphs (g) and (h) shall apply. Such determination shall depend on the volume and complexity of the amendments and/or the volume of the international application and the cost factors.~~

[COMMENT: The proposed deletion of paragraph (i) is consequential on the proposed amendments of paragraphs (g) and (h).]

48.3 to 48.6 [No change]

[COMMENT: Note that Rule 48 is proposed to be further amended in the context of proposed amendments of the Regulations relating to missing elements and parts of the international application (see document PCT/R/WG/7/2), relating to the restoration of the right of priority (see document PCT/R/WG/7/3), relating to the publication in multiple languages (see document PCT/R/WG/7/4), relating to the rectification of obvious mistakes (see document PCT/R/WG/7/6), and relating to the addition of Arabic as a language of publication (see document PCT/R/WG/7/10).]

Rule 86

The Gazette

86.1 *Contents and Form*

(a) The Gazette referred to in Article 55(4) shall contain:

(i) for each published international application, the data specified by the Administrative Instructions taken from the front page of the publication of the international application pamphlet published under Rule 48, the drawing (if any) appearing on the said front page, and the abstract;;

(ii) the schedule of all fees payable to the receiving Offices, the International Bureau, and the International Searching and Preliminary Examining Authorities;;

(iii) notices the publication of which is required under the Treaty or these Regulations;;

(iv) information, if and to the extent furnished to the International Bureau by the designated or elected Offices, on the question whether the requirements provided for in Articles 22 or 39 have been complied with in respect of the international applications designating or electing the Office concerned;;

[Rule 86.1, continued]

(v) any other useful information prescribed by the Administrative Instructions, provided access to such information is not prohibited under the Treaty or these Regulations.

[COMMENT: The proposed amendments of paragraph (a) are consequential on the proposed deletion of paragraph (b) (see below) and the proposed deletion, throughout the Regulations, of the term “pamphlet” (see the comment on Rule 48.1 as proposed to be amended, above).]

~~(b) [Deleted] The information referred to in paragraph (a) shall be made available in two forms:~~

~~(i) as a Gazette in paper form, which shall contain the data specified by the Administrative Instructions taken from the front page of the pamphlet published under Rule 48 (“bibliographic data”) and the matters referred to in paragraph (a)(ii) to (v);~~

~~(ii) as a Gazette in electronic form, which shall contain the bibliographic data, the drawing (if any) appearing on the said front page, and the abstract.~~

[COMMENT: See paragraphs 11 to 17 in the main body of this document.]

86.2 Languages; Form and Means of Publication Access to the Gazette

(a) The Gazette shall be published in English and French at the same time. The translations shall be ensured by the International Bureau in English and French. The International Bureau shall ensure that the publication of the Gazette shall be effected on, or as soon as possible after, the date of publication of the international application. The Gazette in paper form shall be published in a bilingual (English and French) edition. It shall also be published in editions in any other language, provided the cost of publication is assured through sales or subventions.

[COMMENT: See paragraphs 11 to 17 in the main body of this document. It is proposed to amend the text of present paragraph (c) (see below) and to move that text to paragraph (a); the present text of paragraph (a) is proposed to be deleted, consequential on the proposed discontinuation of the paper Gazette.]

(b) [No change] The Assembly may order the publication of the Gazette in languages other than those referred to in paragraph (a).

(c) The form in which and the means by which the Gazette is published shall be governed by the Administrative Instructions. The Gazette in electronic form referred to in Rule 86.1(b)(ii) shall be made accessible in English and French at the same time, by any electronic ways and means specified in the Administrative Instructions. The translations shall be ensured by the International Bureau in English and French. The International Bureau shall ensure that the making accessible of the Gazette in electronic form shall be effected on, or as soon as possible after, the date of publication of the pamphlet containing the international application.

[Rule 86.2(c), continued]

[COMMENT: The Administrative Instructions would have to be modified to provide details concerning the publication of the Gazette in electronic form. The text of present paragraph (c) is proposed to be amended and moved to paragraph (a) (see above).]

86.3 [No change] *Frequency*

The frequency of publication of the Gazette shall be determined by the Director General.

86.4 [No change] *Sale*

The subscription and other sale prices of the Gazette shall be determined by the Director General.

[COMMENT: While the legal publication of the Gazette for the purposes of Article 55(4) will be effected by making the Gazette in electronic form available online, free of charge, via WIPO's website, it would appear that Rule 86.4 is still needed in respect of the envisaged sale to the general public of related products, such as the Gazette on CD-ROM.]

86.5 [No change] *Title*

The title of the Gazette shall be determined by the Director General.

86.6 [No change] *Further Details*

Further details concerning the Gazette may be provided for in the Administrative Instructions.

Rule 87

Communication Copies of Publications

87.1 Communication of Publications on Request ~~International Searching and Preliminary Examining Authorities~~

The International Bureau shall communicate ~~Any International Searching or Preliminary Examining Authority shall have the right to receive, free of charge, two copies of~~ every published international application, ~~of the Gazette, and of any other publication of~~ general interest published by the International Bureau in connection with the Treaty or these Regulations, to International Searching Authorities, International Preliminary Examining Authorities and national Offices upon request by the Authority or Office concerned. Further details concerning the form in which and the means by which publications are communicated shall be governed by the Administrative Instructions.

[COMMENT: It is proposed to amend Rule 87.1, whose present wording would appear to connote paper publication. The Administrative Instructions would have to be modified to provide for the details concerning the form in which and the means by which the International Bureau would communicate publications to Authorities and national Offices. Aside from its legal obligation, under Rules 48.1 and 86.1 as proposed to be amended, to publish international applications and the Gazette (publication would be effected by making international applications and the Gazette in electronic form available online, free of charge, via WIPO's website), it is envisaged that the International Bureau would, on request, continue to provide a copy in electronic form of any published international application and of the Gazette on a physical data carrier (such as CD-R or DVD), and a copy of any published international application on paper.]

87.2 ~~[Deleted]~~ *National Offices*

~~(a) Any national Office shall have the right to receive, free of charge, one copy of every published international application, of the Gazette, and of any other publication of general interest published by the International Bureau in connection with the Treaty or these Regulations.~~

~~(b) The publications referred to in paragraph (a) shall be sent on special request. If any publication is available in more than one language, the request shall specify the language or languages in which it is desired.~~

[COMMENT: The communication of publications to national Offices is dealt with in Rule 87.1 as proposed to be amended (see above).]

Rule 91

Obvious Errors in Documents

91.1 Rectification

(a) to (e) [No change]

(f) Any authority which authorizes or refuses any rectification shall promptly notify the applicant of the authorization or refusal and, in the case of refusal, of the reasons therefor. The authority which authorizes a rectification shall promptly notify the International Bureau accordingly. Where the authorization of the rectification was refused, the International Bureau shall, upon request made by the applicant prior to the time relevant under paragraph (g-bis), (g-ter) or (g-quater) and subject to the payment of a special fee whose amount shall be fixed in the Administrative Instructions, publish the request for rectification together with the international application. A copy of the request for rectification shall be included in the communication under Article 20 ~~where a copy of the pamphlet is not used for that communication or~~ where the international application is not published by virtue of Article 64(3).

[COMMENT: The proposed amendments of paragraph (f) are consequential on the proposed deletion of the term “pamphlet” throughout the Regulations and the deletion of (former) Rule 47.2(c) with effect from January 1, 2004. Rule 47.2(c) as in force until December 31, 2003, read: “Except to the extent that any designated Office notifies the International Bureau otherwise, copies of the pamphlet under Rule 48 may be used for the purposes of the communication of the international application under Article 20.” Note that it is also proposed in another document to amend Rule 91 in the context of “rectification of obvious mistakes” (see document PCT/R/WG/7/6).]

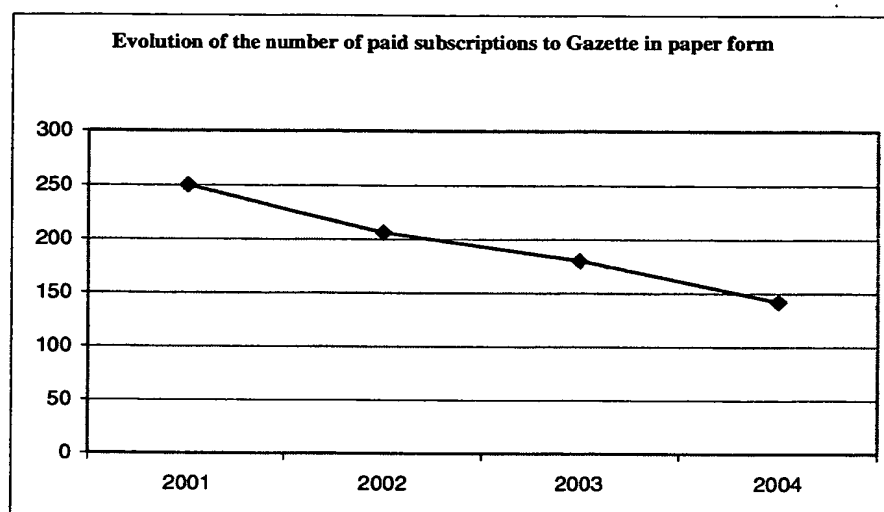
[Rule 91.1, continued]

(g) to (g-*quater*) [No change]

[Annex II follows]

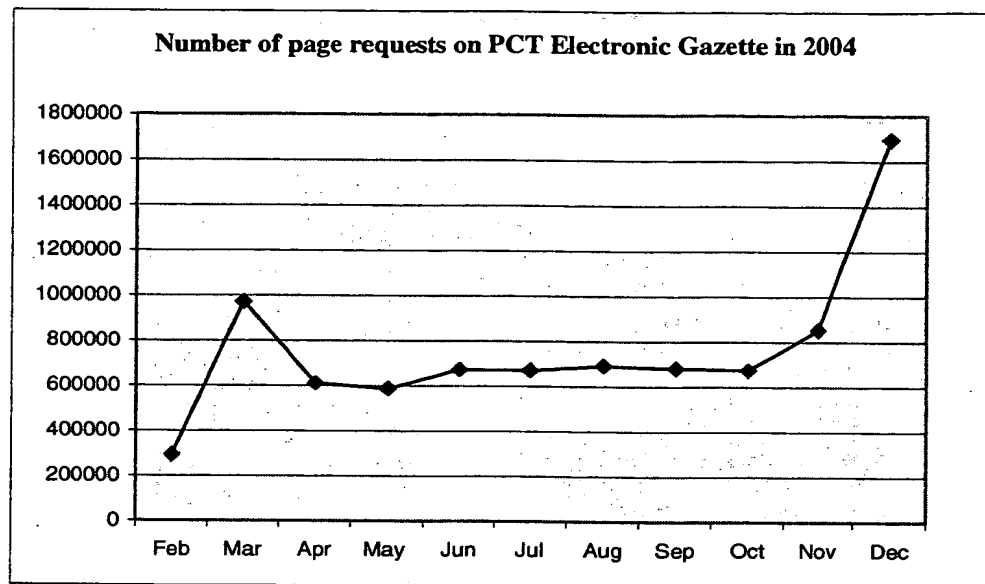
ANNEX II

STATISTICS RELATED TO THE PCT GAZETTE

Figure 1: Evolution of the number of paid subscriptions to Gazette in paper formTable 1: Income/loss generated by subscriptions to the Gazette in paper form

	2001	2002	2003	2004
Income				
Subscriptions	150,000	124,000	108,000	94,000
Costs				
Mailing	163,000	175,000	159,000	101,000
Paper	85,000	64,000	56,000	73,000
Printing & Binding	119,000	89,000	78,000	26,000
Total costs	367,000	328,000	293,000	200,000
Loss	-217,000	-204,000	-185,000	-106,000

Figure 2: Number of page requests on PCT Electronic Gazette in 2004



[End of Annex II and of document]

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